

Minutes of the City Council
Sheffield Lake, Ohio
June 22, 2010

The regular meeting of the City Council was held Tuesday, June 22, 2010. Council President Edward Podmanik called the meeting to order at 7:07 PM.

THE INVOCATION WAS GIVEN BY: Council Chaplin, Kay Fantauzzi, who, then led in the Pledge of Allegiance.

*******ROLL CALL OF MEMBERS*******

Present: Podmanik, Rosso, Huska, Kovach, Bring, Elliott, Smith, Mayor Piskura, Finance Director, Service Director Smith, Safety Director Arendt

Absent: Treasurer E Hoenig (excused)

Attending: Concerned Citizens, Zoning: Ebenschweller, Members of the Media

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of May25, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A) Monthly report of court receipts for month of May - \$6911.50 – receive and file.

B) Applicants for Ward 1 seat; Dennis Bring, Leanna Stark and Lowell Bower. President Podmanik stated at this point and time if Council so chooses they could ask any questions of the members here or we could hold this until new business or unfinished business depending on Councils pleasure.

PRESENTATIONS: None.

*******CITY COUNCIL REPORTS*******

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: None./Safety:

Chairman Bring reviewed the minutes of the June 2, 2010 meeting. He stated I know we are having problems over in dispatch with the radio system. When I was in there actually we had some static, actually I was in there twice and it came across. So we are having a problem with that, it is very annoying. It is picking up other dispatches and everything else – it is just a very loud static noise. Finance Director Smith stated no one has advised us of it. Chairman Bring stated it is channel 4, you really cannot hear anything when it goes off. When I was there she had a 911 call and channel 4 went off and she could not even hear on the 911 call. He continued I know we talked about the cameras over there at the boat launch and I talked to Mr. Smith about that. We have a little bit of a foggy issue on a couple of the views of the camera. We did get our light up at the bridge there. I have heard that it is quite bright, I don't know if that is good or bad. We talked about a couple of the cars having 100,000 miles on them. *Motion by Huska/Second by Kovach to accept the report. Yeas

All./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance &

Claims: None./Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.

*******ADMINISTRATIVE REPORTS*******

MAYORS REPORT: Mayor Piskura reported we do have about 3 applicants to sit on various Boards and Commissions. I did get the opportunity to talk with a couple of them and out of that I would like to make my first appointment to fill the vacant seats in the Park Board with Richard Hodges. In addition to that I have some appointments for our seasonal summer help; Michelle Asbury, Robert Grattan, Miguel Casanas and Jayde Carney. They will help in the Parks, Utilities and Building Department. He continued we didn't really publicize it all that much so you may not be aware and if you are not then I apologize but last year the city won a best practices sustainability award – it is a wedge award and that was a result of the rain barrel program and the rain barrel program was a grant that we got from the Great Lakes City Initiative through the Great Lakes collaboration and task force and all that. Between now and then on the 17th I have been asked to go speak at the Great Lakes City Initiative conference about the program and the award and kind of pass the torch to the next city when they announce who the winners are for this year. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/FINANCE DIRECTOR REPORT: Finance Director Smith reported I am currently working on the 2011 budget, it will need to go to the county by July 20th. You will see a preliminary at Finance next week and as you all remember it is a snoozer. It is an antiquated program that we have to go through and it is required by the State of Ohio. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/TREASURER REPORT: report attached.**/SAFETY DIRECTOR:** Safety Director Arendt advised I would just like to explain for the last 2-1/2 months I haven't been around much at meetings or anything but I have been in contact with the Police and Fire on a daily basis and the reason that I haven't been is because my mother was in a nursing home for some rehab and she passed away last week. I will be attending the meetings on a regular basis.**/SERVICE**

DIRECTOR: Service Director Smith reported I have a couple of things tonight, first I have been in touch with Eric Dentz from Dentz Painting about the water tower painting. It will begin soon and I will have a firm start date soon and then I will let you guys make that available to everybody. The city will be mowing unoccupied houses soon and we will be doing the tax duplicate thing where we add the charges and we will also be addressing more stringently the occupied houses that have grass issues that are growing. We are taking a lot of calls with high grass issues and I believe you have an issue before you tonight which will help us be able to accommodate that situation. Walker Road – we hope to be pouring the north side of the sidewalk tomorrow depending on the weather and how the rain goes. But as it looks now that is going to be postponed. The next will be the south

side and then Nex Gen has drilled and poured the base at Shoreway for the wind turbine. It is barricaded off with concrete blocks to keep anybody from hitting the encasement and it will be curing for about 10 days or so and then they will do the first part of the erection. I will keep Council advised on that. Councilman Kovach advised I got a call today from a resident that lives over on Alameda and her question was in regards to our ditch that is going to be part of the bike path; the extension off of Oster. She says it is starting to really get overgrown and her question was are we going to be doing any maintenance on that this summer. Service Director Smith advised we will be mowing the easements in all the city right of ways. We started doing that this week and we are working from the east side of the city to the west and we are currently at about Harris Road/Robinwood area right now. But we are doing that and that will be addressed. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported I just wanted to bring to your attention a couple of things that will be coming in future meetings. We are going to talk at Worksession about the merits of project labor agreements and whether those are something that the city wants to consider, we will have a presentation for you on those. We are going to be bringing some legislation to Council regarding the Building Department; our certified residential and commercial department and clarifying some ambiguities that have come to our attention in our current codified ordinances. I along with our 2 externs have been doing a lot of work as of late on our lakefront property case. We have done a great deal of research and I feel very strongly about our position on that case and we also might be filing an amicus brief with the Supreme Court on the current Meril case pending in the Supreme Court which is all the lakefront property owners in Ohio – the case is pending there. He reviewed the legislation on the agenda. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Bob Ebenschweller, 362 Cove Beach stated I have a couple of things and I wanted to address them at the Roads & Drains meeting but since they were cancelled I am here tonight. Number 1 at the last meeting we talked about the striping on Walker Road and how they are going to take care of redoing the other side at the same time but that never happened and I wondered did we run into some problems with that? Service Director Smith answered just a slight delay, I kind of re-evaluated it. We ran into a delay on their part and then I re-evaluated who was going to do it and I am in that process right now and that should be taking affect real soon. Mr. Ebenschweller asked is the plan just to go it or are they going to sand or anything like that? Service Director Smith answered I am getting prices on both but it is all dependent on price Bob. Mr. Ebenschweller continued the second thing is on this Cove Beach Avenue, at least at my end – address again the lateral cracks in the street. I count about 11 of them from Lake Road just to my house alone. Generally wherever there is a manhole, the settlement over the years has caused a crack to

run across the street and that needs to be patched. I had talked to it with the previous and the previous Service Director and had said that was going to be done but it never got done. So I wondered if that is on any kind of a schedule to get done to caulk those cracks closed to keep the water from going down in there. Service Director Smith answered there is several issues that have brought to my attention about Cove Beach including the catch basin on the north side on the west side just south of the commercial building there too – there where the sidewalk drops off along with different issues Bob. I have them and I will just approach them as I can but I will address it. Mr. Ebenschweller stated I know that our street isn't as bad as some in the city but I don't want to see ours deteriorate at a point where chunks are coming up. Service Director Smith answered we have that condition in a far worse state on Lake Road and on several other roads and it will be addressed. Mr. Ebenschweller stated I like the job they did up there finally, especially the fact that the cars are no longer coming down my street using it as a race track to get to Lake Road and winding up down Dennis's driveway into the lake. I just thought of something that you had mentioned about Oster Road extension where the bike trail is going to go and I know that John Hunter had an extensive interview in the Avon Lake Press a couple of weeks ago laying out what they are going to do as far as the bike lanes to the schools on the safe-way to schools program. Are we on a time-line to have that thing finished so we can link up to them on Harris Road? Service Director Smith answered ours is contingent on a couple of things; on grants, funds availability, the Metro Parks section which stands between us and the Village. So there is a whole series of other things that have to be done first but we don't have a set time-line – no. Except for what is basically itemized in that grant structure that he is talking about. Remember there is the Metro Parks, the school system, the Village of Sheffield and the City of Sheffield Lake – all of us are signed on but we are approaching it with trying to find different fund sources for several of the different areas that we have to do. Mr. Ebenschweller stated they are projecting in 2011 to have that section done I guess down Harris Road and I wondered if we and that is why I asked if we had a time-line to try to meet at that time. Service Director Smith again answered no.

Mark J Erdei, 4015 Tennyson asked I just wanted to know I haven't heard anything updated about the bowling center and if things don't go good over there, do we have anybody else interested in taking over the bowling alley? Law Director Graves answered we do have the eviction case still filed, we did give them some more time – continued the hearing 1 more time. I am not aware of them making any payments, I don't believe that they have so they continue to fall farther behind in their rent. We are weighing our options right now and I think ideally we would like to work with the bowling alley and keep that business here but the longer this goes on I guess the more unlikely it is that they are going to be able to meet their financial obligations. So we are exploring our various options.

Councilman Smith stated Bob I noticed that you mentioned the sealing of the cracks to the previous Service Director. Just for clarification at that point we had purchased a used piece of equipment to do that from Lorain and that was what was going to be used to start doing the seam-sealing – that machine is no longer with us so that is probably why and there is no funds available to do that with so that is probably why it wasn't done. When we got the machine it was all full of tar and it was just unusable so they got rid of the machine. So that is probably why they told you it would be done and it hasn't been done because we no longer have a machine to do that.

Mark J Erdei, 4015 Tennyson stated on the outfit that we have controlling all of the shopping center right now, what is their name? Law Director Graves answered North Coast Capital Partners. Mr. Erdei continued we gave them a year to advertise and run the show over there, is there going to be an extension on that – what is the scoop on that? Law Director Graves answered they are not running the shopping center. They had a 1 year option to purchase and to solicit interest in developing the center. They are continuing to market the center aggressively, they have got a very nice package that they present to potential tenants and there have been some very productive developments that will potentially be coming forward in the future months. Mr. Erdei asked would there be any kind of maybe an extension. Mayor Piskura stated that is something that we will probably be talking about.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Kovach to amend tonight's agenda to include Council#025. ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#025: Yeas All – Elliott, Kovach, Bring, Smith, Huska, Rosso. Councilwoman Huska asked on Council#026, I would like that approved tonight. Law Director Graves advised you would just need to suspend the rules, it already includes the emergency clause.

*Motion by Rosso/Second by Huska to approve the Mayors appointment of Richard Hodges to the Park Board. ROLL CALL FOR APPROVAL: Yeas All – Smith, Rosso, Huska, Kovach, Elliott, Bring. *Motion by Rosso/Second by Bring to approve the Mayors appointment for the summer time seasonal help of Michelle Asbury, Robert Grattan, Miquel Casanas and Jayde Carney. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Elliott, Rosso, Huska, Bring, Smith.

Councilman Bring stated I would like to open the discussion about Ward 1, particularly Leanna Stark. Councilman Bring asked there are some time restraints with this job, are you going to be available and would you show extra interest in getting involved in other things in the city besides being a Council person as far as going to committee meetings and all the other things that needs to be done. Would you be acceptable to all that and do you have time for all that? Mrs. Stark answered absolutely, even though I know I work retail – I am the Manager I have a lot of leeway in doing my scheduling. I have an assistant who loves to work nights, I do other thing so that would not be a problem working around that. Councilman Bring

asked why do you want to do this? Mrs. Stark answered I believe in a lot of times now that people don't want to serve their communities, we all just sort of sit back and complain. We have all heard it, our neighbors complain about what goes on and nobody wants to step up to the plate and do it because they don't think they have the experience or they don't want to be involved. I think that people should step up, if you have got a complaint then be part of the solution and that is why I want to get involved with the City of Sheffield Lake. I have lived here now since 2003 and I think it is my time to take an active part in what is going on in my community. Councilman Bring asked personal agenda's – anything? Mrs. Stark answered no personal agenda's – I promise. Councilman Bring joked I will hold you to that. Councilman Rosso stated to follow up on Mr. Bring's comment on the involvement. You know you are probably looking at 5, 6 or maybe 7 nights a month, every month and usually most meetings start around 7. Mrs. Stark answered absolutely not a problem, that is why I have a husband and a child. He and I have had a conversation about this and he is fully behind me doing this and is willing to step up to help me as well. Councilman Rosso stated I noticed on your application you applied for both Ward 1 or the Council-at-large and either way the Ward 1 or Council-at-large is re-election next year. Law Director Graves advised it is the next general election in an odd numbered year. Councilman Rosso stated so you would have to re-run. Mrs. Stark advised actually before this opened I had already been in talks with trying to run for the seat at that point. Councilman Bring stated you really haven't been attending any of the meetings that have been going on but I would assume that we may not do anything tonight but I am assuming that you are going to start coming to all of the meetings and start getting filled in and finding out what is going on. Mrs. Stark advised I have already blocked all of my Tuesdays for you guys. Councilman Rosso advised all the other committees meet every other day but Tuesdays, not that you need to attend all of those right away. Mrs. Stark advised not a problem, I can work my schedule around what is needed. Councilman Rosso asked you are currently a precinct representative for Ward 1? Mrs. Stark answered yes. Councilman Kovach asked are there any particular committees that you might have interest in; Finance, Safety, Parks? Mrs. Stark answered my main interest would be more in the law or safety department but I would be willing to serve where I am needed. President of Council Podmanik advised remember Roads & Drains and Finance are committees of the Whole so everyone attends those meetings. Councilman Elliott stated you said you were going to run for office, were you going to run for Ward 1 or at-large? Mrs. Stark answered I was going to run for Ward 1. Councilman Rosso asked can I ask what motivated you to decide to – that you wanted to run in the next election that is 2 years away? Mrs. Stark answered I walk my neighborhood all the time just seeing what is going on in the neighborhood, not to speak ill of anybody but the residents in Ward 1 and I live over on Thelma Drive – do not feel like they are being represented and I think getting to know my neighbors through walking away that it

was time to make a change in the ward. Councilman Bring asked anything you see in the city overall instead of just being in Ward 1 that you see that you would like to address or anything that comes at you? Mrs. Stark answered I am very happy and I think if you ask around with what is going on with the shopping center/Walker Road even though we are a little impatient when you live by Walker Road to get it fixed and done which would be nice. It is beautiful what has been done so far. I would like to see us do more with the lakefront if at all possible, I think that is a shining beacon for the city and if we could do that then right there that would bring people in. It sets us apart from other cities and that would be something that, you know with that vacant property – what we could work with that would definitely bring some people into this city. We are different from Avon Lake, we are different from Avon – we have this quiet community and you feel safe when you bring your kids in. As I said we moved from Lakewood and the reason we picked here over Avon Lake is because it was a quiet neighborhood, we can leave our doors open. I live a mile off the lake and I feel comfortable walking around with my doors open and you don't see that in many cities today. But you don't see us really push that to the general public either. Councilman Elliott asked how do you feel about going green? Mrs. Stark answered I think we have to go green, I think we have to step up. I love the wind turbines and I know a lot of people are probably not happy looking at them. You know what, we got to do what we got to do for the city. As a business decision I think it is a way to go in the future and more cities are going to do it and if we can get ahead of the curb now then more power to us. Councilman Rosso advised just as a statement but the 3rd applicant Mr. Bower is not a resident of Ward 1. Councilman Bring stated I will let Mr. Smith verify this, the boat launch is the property of the cities and also the people of the city but I would like to address the fact that I am tired of going down there and seeing people steal the rocks. If you could put that in the paper John that it is illegal to steal the rocks from the boat ramp. Safety Director Arendt stated I discussed that tonight with the Officers and discussed it last week as well because I know that there was a incident down there with you. I asked them to keep an eye on the camera a little closer and if they see anybody – if it is an adult I would prefer that it would be a little bit more stricter then a warning this time. But I did discuss this last week and again this evening because we had an incident last year if you remember and I would like to see no more incidents. Councilman Kovach joked you know what they say Dennis 3 will be the charmer. Councilman Bring joked I am not going down there anymore, I am going to Avon Lake.

ORDINANCES AND RESOLUTIONS:

Council#026 – SECOND READING – an ordinance amending section 561.03 of the codified ordinances of the City of Sheffield Lake regarding abatement of nuisance by municipality, and the declaring of an emergency.

*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

Law Director Graves advised in reviewing the draft of this ordinance before you tonight, while the heading does say declaring an emergency – I don't see the emergency clause actually on the legislation. If you want to include that language you should specify that in your vote and we would include that language prior to signing.

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Smith, Rosso, Kovach, Elliott, Bring, Huska.

*Motion by Huska/Second by Bring for ADOPTION WITH THE EMERGENCY CLAUSE.

ROLL CALL FOR ADOPTION WITH THE EMERGENCY CLAUSE: Yeas All – Bring, Rosso, Smith, Huska, Kovach, Elliott.

Ordinance Passes#25-10

Council#027 – SECOND READING – an ordinance authorizing the Mayor to enter into contract with the lowest and best bidder to repair and/or replace 4500 square feet of roof of the Joyce E. Hanks Community Civic Center. The bid will include engineering and installation services as part of State, Federal and First Energy grant applications for 15KW solar energy panels, metering and connections contingent upon receipt of grant funds.

Council#028 – SECOND READING – an ordinance by the Council of the City of Sheffield Lake establishing employee eligibility and contribution rates for participation in the Lorain County Health Insurance Plan.

Council#025 – EMERGENCY – an ordinance authorizing the issuance and sale of notes of the city in a maximum principal amount of \$930,000, in anticipation of the issuance of bonds, for the purpose of retiring notes issued to pay costs of various capital improvements; and the declaring of an emergency.

*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Elliott, Kovach, Smith, Rosso, Huska, Bring.

*Motion by Huska/Second by Bring for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – Huska, Rosso, Kovach, Smith, Bring, Elliott.

Ordinance Passes#26-10

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:56 PM. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL

Kay Fantauzzi

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Council of June 8, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura